

RESOLUTION 2021-106

RESOLUTION ADOPTING AN EMERGENCY RULE REGARDING THE CONDUCT OF SPORTS WAGERING

The Indiana Gaming Commission (“Commission”) adopts the following resolution pursuant to the authority granted under IC 4-38 and House Enrolled Act 1015 (“HEA 1015”).

The Commission has considered the following factors:

1. During the 2019 legislative session, HEA 1015 was enacted into law. HEA 1015 was an omnibus gaming bill, which included a provision that authorized sports wagering in the State of Indiana. It places regulatory authority of sports wagering with the Commission.
2. HEA 1015, codified as IC art. 4-38, requires that the Commission “shall adopt rules under IC 4-22-2, including emergency rules in the manner provided under IC 4-22-2-37.1, to implement this article.” IC 4-38-3-1.
3. Pursuant to HEA 1015 and IC 4-22-2-37.1, the Commission has the authority to adopt emergency rules.
4. HEA 1015 became effective on July 1, 2019. Pursuant to IC art. 4-38, sports wagering activities were allowed to commence on September 1, 2019. IC 4-38-4-1.
5. On August 28, 2019, the Commission first approved an emergency rule regarding sports wagering. Resolution 2019-115. On November 23, 2020, the Commission approved a readoption of the emergency rule regarding sports wagering. Resolution 2020-161. The emergency rule adopted under Resolution 2020-161 is set to expire on or about August 8, 2021.
6. Meanwhile, the Commission anticipates that a final rule regarding sports wagering will not be fully promulgated until third quarter of 2021. Given the Commission’s quarterly business meeting schedule, the instant resolution is adopted to ensure there is not a gap in coverage of regulation between the time the current emergency rule expires in August of 2021 and the date when the final administrative rulemaking is promulgated.
7. The instant resolution adopts emergency rules that address the required rule making topics contained in IC 4-38-3-1 and includes additional rules that will allow the Commission to effectively regulate sports wagering until the final rule is effective.
8. The Commission finds that the need for an updated rule regarding the conduct of sports wagering is immediate and substantial such that rulemaking procedures under IC 4-22-2-24 through IC 4-22-2-36 are inadequate to address the need and that an emergency rule is necessary to address the need.

9. While the emergency rule is in effect, the Commission will proceed with the non-emergency promulgation process, including IC 4-22-2-24 through 4-22-2-36.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1: SCOPE

This resolution applies to all organizations conducting sports wagering pursuant to IC art. 4-38.

SECTION 2: DEFINITIONS

The definitions set forth in IC art. 4-38 and the emergency rule apply to this resolution.

SECTION 3: ADOPTION OF THE EMERGENCY RULE

Pursuant to IC 4-22-2-37.1, the Commission adopts this rule as an emergency rule for the initial ninety (90) day period as well as for the optional ninety (90) day extension period. The Commission further adopts any stylistic, grammatical, typographical, or other non-substantive changes that the Commission or the Legislative Services Agency may make to this emergency rule. The Commission shall file the proposed emergency rule and submit it for publication with the Legislative Services Agency.

SECTION 4: EFFECTIVE DATE

The emergency rule adopted in Section 3 of this resolution is to become effective upon filing with the publisher.

SECTION 5: EXPIRATION DATE

This resolution expires upon the final expiration of the emergency rule adopted herein.

ADOPTED, THIS 25th DAY OF MAY, 2021.

THE INDIANA GAMING COMMISSION:



Michael McMains, Chair

ATTEST:



Jason Dudich, Secretary